IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 12841 of 1998

Between:

G.M. Manik Rao S/o. G. Mayappa
Methodist Rural High School, Zaheerabad, Medak District.

..... PETITIONER

AND

1 Methodist Rural High School, Zaheerabad, Medak District,

rep. by its Correspondent.
2 District Educational Officer, Medak District, Sangareddy.
3 Director of School Education, Government of Andhra

Pradesh, Hyderabad.
4 State of A.P., rep. by its Secretary, Education Department,

Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction especially one in the nature of Mandamus: i) to declare the action of the respondents in reverting the petitioner from the post of Librarian to the post of Record Assistant and down grading the petitioner without notice to him is illegal arbitrary and without jurisdiction. ii) direct the respondents to treat the petitioner's appointment as Librarian, grant the salary attached to the post and to pay the difference of amounts and grant all the consequential benefits.

Counsel for the Petitioner: MR.V.JOGAIAH SARMA

Counsel for the Respondent NO.1: MR.N.KRISHNA RAO

Counsel for the Respondent No.2 to 4:Govt.Pleader for School Education

The Court made the following:

ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in reverting the petitioner from the post of Librarian to the post of Record Assistant and downgrading the status of the petitioner without notice to him as arbitary and illegal and consequently to direct the respondents to treat the petitioner's services rendered by him as Librarian with the first respondent school and to pay the consequential benefits admissible to the said post.

According to the petitioner, he was appointed as Clerk-cum-Librarian in the first respondent school in a substantive aided vacancy with effect from 14-6-1965. While working as such, he was also sent for training to attend a Certificate Course in Library Science from 01-04-1970 and he was also further appointed as a full-fledged Librarian from the month of September, 1970. He worked in that capacity and retired from service on 31-10-1998 on attaining the age of superannuation. He further contends that the first respondent management had prepared a Service Register and in the said Service Register he was shown as Clerk-cum-Librarian and the samewas certified by the authorities concerned. Therefore, it must be deemed that he was Librarian all through. While so, he also admits that another Service Register was prepared, wherein the petitioner was shown as Record Assistant and that was also signed by him and further attested by the competent authority. Ultimately when he retired on 31st October 1998, his pension was settled in the post of Record Assistant. The petitioner vehemently contends that he worked as Librarian from the

date of his appointment or at least from September, 1970 till 31-10-1998. When he worked as Librarian after obtaining certificate in Library Sciences, his post should have been upgraded and his pension ought to have been settled in the post of Librarian. The denial of status by down grading him as a Record Assistant, though, he worked as Librarian is arbitrary and illegal. Further he is entitled to the pension as eligible to a regular Librarian.

Absolutely there is no positive evidence to show that the petitioner was appointed as a Clerk-cum-Librarian or as a full-fledged Librarian with effect from 1970, except his self-serving statement and the purported entry made in the Service Register maintained by the first respondent and attested by the other respondents. The petitioner does not deny the existence of another Service Register wherein it was shown that he worked as a Record Assistant and he does not deny that he also signed the same and the same was also attested by the competent authority.

The first respondent filed a detailed counter denying the allegations made by the petitioner. It is categorically asserted that the petitioner made several representations and the same were considered and since there was no post of Librarian, the same were rejected by the authorities. The petitioner did not choose to question any of the rejection orders and has not questioned the orders passed by the other respondents denying his claim for the post of Librarian.

On behalf of the respondents 2 to 4 also, a detailed counter- affidavit has been filed. It is asserted in their counter that in the pattern of school staff, there was no post of Librarian nor the said post was admitted to grant-in-aid. The post of Attender is a grant-in-aid post. The petitioner was absorbed in the said post with effect from 1-3-1973. The post of Attender was re-designated as Record Assistant with effect from 1-3-1973.

From the above, it is clear that the petitioner was never appointed as a Librarian. In fact, the said post is not available in the cadre strength of the school. May be the services of the petitioner were utilized in the Library, but, the first respondent itself denied the claim of the petitioner that he worked as Librarian saying that there was no such post available in the School, which fact was also asserted by the respondents 2 to 4 in their counter.

In these circumstances, the relief as prayed for by the petitioner cannot be granted and the Writ Petition is devoid of merits and is liable to be dismissed.

However, it is made clear that if the petitioner has any grievance against the first respondent-management for not granting any remuneration etc. for utilizing his services in the cadre of Librarian, it is for him to work out his remedies as available under law, if he is so advised.

The writ petition is accordingly dismissed. No costs.

12-10-2004

Stp

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Correspondent, Methodist Rural High School, Zaheerabad,

Medak District.

2 The District Educational Officer, Medak District, Sangareddy.

3 The Director of School Education, Government of Andhra

Pradesh, Hyderabad.

4 The Secretary, State of A.P., Education Department,

Secretariat, Hyderabad.

5. 2CCs to G.P.For School Education,A.P.High Court Buildings,(OUT)

5 2CD copies

THE HON'BLE MR JUSTICE C.V.RAMULU

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